

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SAGENT TECHNOLOGY, INC.

*

Plaintiff

*

v.

*

Civil Action No. JFM-02-2505

MICROS SYSTEMS, INC., et al

*

Defendants

*

* * * * *

**SAGENT TECHNOLOGY, INC.'S
MOTION FOR SUMMARY JUDGMENT**

Sagent Technology, Inc. ("Sagent"), Plaintiff, by and through undersigned counsel, pursuant to Fed. R. Civ. Proc. 56, hereby moves for summary judgment. In support of its motion, Sagent states as follows:

1. In response to a price quote from Sagent, on or about June 30, 2000, Micros Systems, Inc. ("Micros") sent to Sagent a Purchase Order for the purchase of certain computer software, related products, and annual maintenance and support. That Purchase Order was signed by Peter Rogers, Jr., Vice President of Business Development and Investor Relations at Micros, and reflected precisely the same products seen in Sagent's price quote. Rogers attached to the Purchase Order a copy of the price quote, on which he had written "approved" and which he had also signed. The value of the contract was initially \$136,000, but at Micros' request Sagent subsequently eliminated the maintenance and support component of the sale, reducing the value of the contract to \$112,000.

2. The Purchase Order from Micros constituted an offer that Sagent accepted by promptly shipping conforming goods to Micros' Beltsville, Maryland office.

3. Without legal excuse, Micros has never paid Sagent for any portion of the

transaction, a material breach of the terms of the contract.

4. The resulting damages to Sagent are liquidated, readily verifiable and include prejudgment interest from July 30, 2000 to the present. Sagent's damages total \$133,393.79.

5. There is no genuine issue as to any material fact and Sagent is entitled to judgment as a matter of law

WHEREFORE, for the foregoing reasons, and those set forth in the Memorandum of Law submitted in support of this motion, filed herewith, Sagent Technology, Inc. respectfully requests that the Court enter summary judgment in its favor. A proposed Order is attached hereto.

Respectfully submitted,

Scott H. Phillips

Scott H. Phillips, #013244

SEMMES, BOWEN & SEMMES

250 W. Pratt Street

Baltimore, Maryland 21201

(410) 539-5040

Counsel for Sagent Technology, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of April, 2003, a copy of the foregoing Sagent Technology, Inc.'s Motion for Summary Judgment was filed and served electronically on all counsel of record.

Scott H. Phillips

Scott H. Phillips